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Long Branch, NJ 07740
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Attorney for Debtor

last revised 08/1/15

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

IN RE

Case No.: 16-29235/CMG

SEFER KIR

Judge: Christine M. Gravelle

Chapter: 13

Debtor(s).

Chapter 13 Plan and Motions

- ☒ Original ☐ Modified/Notice Required ☒ Discharge Sought
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: November 18, 2016

THE DEBTOR HAS FILED FOR RELIEF UNDER CHAPTER 13
OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the Court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

- a. The Debtor shall pay \$125.00 per month to the Chapter 13 Trustee, starting on November 1, 2016 for approximately 48 months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
- ☐ Other sources of funding (describe source, amount & date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property:

Description: 505 Shore Road, Keyport, NJ 07735

Proposed date for completion: April 2017

d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of the plan: _____

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to [creditor].

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the Debtor(s) outside of the Plan, pre-confirmation to [creditor].

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Patrick Moscatello, Esq.	Attorney's Fees	\$2,850.00

Part 4: Secured Claims																															
<p>a. Curing Default and Maintaining Payments</p> <p>The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditors (outside the Plan) monthly obligations due after the bankruptcy filing as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 15%;">Creditor</th> <th style="width: 15%;">Collateral or Type of Debt</th> <th style="width: 15%;">Arrearage</th> <th style="width: 15%;">Interest Rate on Arrearage</th> <th style="width: 15%;">Amount to be paid to Creditor (in Plan)</th> <th style="width: 20%;">Regular Monthly Payment(Outside Plan)</th> </tr> </thead> <tbody> <tr> <td style="height: 40px;"></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>								Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be paid to Creditor (in Plan)	Regular Monthly Payment(Outside Plan)																		
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<p>b. Modification</p> <p>1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified a having "NO VALUE" it shall be treated as an unsecured claim.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 80%; text-align: center;"> <p>NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.</p> </div> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 12%;">Creditor</th> <th style="width: 10%;">Collateral</th> <th style="width: 10%;">Scheduled Debt</th> <th style="width: 10%;">Total Collateral Value</th> <th style="width: 10%;">Superior Liens</th> <th style="width: 10%;">Value of Creditor Interest in Collateral</th> <th style="width: 10%;">Annual Interest Rate</th> <th style="width: 10%;">Total Amount to be Paid Through Plan</th> </tr> </thead> <tbody> <tr> <td style="height: 40px;"></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.</p> <p>c. Surrender</p> <p>Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 25%;">Creditor</th> <th style="width: 25%;">Collateral to be Surrendered</th> <th style="width: 25%;">Value of Surrendered Collateral</th> <th style="width: 25%;">Remaining Unsecured Debt</th> </tr> </thead> <tbody> <tr> <td style="height: 40px;"></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>								Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid Through Plan									Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt				
Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid Through Plan																								
Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt																												

d. Secured Claims Unaffected by Plan

The following secured claims are unaffected by the Plan:

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan

Part 5: UNSECURED CLAIMS

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ to be distributed *pro rata*
- ☐ Not less than 0.00% percent
- ☒ *Pro rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

All executory contracts and unexpired leases are rejected, **except** the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: MOTIONS

NOTE: All Plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.L. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the property	Amount of Lien To be Avoided

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be deemed Secured	Amount to be Reclassified as Unsecured

Part 8: OTHER PLAN PROVISIONS

a. Vesting of Property of the Estate. Property of the Estate shall re-vest in the Debtor:

☒ Upon Confirmation

☐ Upon Discharge

b. Payment Notices.

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution.

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Administrative Claims
- 3) Priority Claims
- 4) Secured Claims
- 5) Unsecured Claims

d. Post-petition claims.

The Trustee ☐ is ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this plan modifies a plan previously filed in this case, complete the information below:

Date of Plan being modified: _____

Explain below **why** the Plan is being modified.

Explain below **how** the Plan is being modified.

Are Schedules I & J being filed simultaneously with this modified Plan? ☐ Yes ☐ No

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign the Plan.

Date: November 18, 2016

/s/ Patrick Moscatello, Esq.

Patrick Moscatello
Attorney for the Debtor

We certify under penalty of perjury that the foregoing is true and correct.

Date: November 18, 2016

/s/ Sefer Kir

Sefer Kir, Debtor

Certificate of Notice Page 8 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Sefer Kir
 Debtor

Case No. 16-29235-CMG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 1
 Total Noticed: 20

Date Rcvd: Nov 21, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 23, 2016.

db
 516510331 +Sefer Kir, 505 Shore Road, Union Beach, NJ 07735-3225
 516510332 AT&T, C/O Enhanced REcover Collections, 8018 Bayberry Road, Jacksonville, FL 32256
 516510332 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One Bank USA, 15000 Capital One Drive,
 Richmond, VA 23238)
 516510333 +CITI, PO Box 6241, Sioux Falls, SD 57117-6241
 516485560 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 516510334 +Citibank, C/O Midland Funding, LLC, 2365 Northside Drive, Suite 30,
 San Diego, CA 92108-2709
 516436377 +KLM Law Group, PC, 216 Haddon Avenue, Suite 406, Westmont, NJ 08108-2812
 516510337 +Macys/DSNB, 9111 Duke Boulevard, Mason, OH 45040-8999
 516508940 +Navy Federal Credit Union, PO Box 3700, Merrifield, VA 22119-3700
 516510341 Pressler & Pressler, LLP, 7 Entin Road, Parsippany, NJ 07054-5020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

E-mail/Text: usanj.njbankr@usdoj.gov Nov 22 2016 00:08:15 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Nov 22 2016 00:08:13 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516510338 E-mail/Text: cms-bk@cms-collect.com Nov 22 2016 00:08:02 Capital Management Services, LP,
 698 1/2 South Ogden Street, Buffalo, NY 14206-2317
 516510335 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 22 2016 00:11:28 Citibank NA,
 C/O Portfolio Recovery, 120 Corporate Boulevard, Suite 1, Norfolk, VA 23502-4952
 516510336 E-mail/Text: mrdiscen@discover.com Nov 22 2016 00:07:33 Discover Fin SVCS, PO Box 15316,
 Wilmington, DE 19850
 516498920 E-mail/Text: mrdiscen@discover.com Nov 22 2016 00:07:33 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 516510339 +E-mail/Text: bankruptcy@affglo.com Nov 22 2016 00:08:16 Global Credit & Collection Co,
 5440 N. Cumberlands Avenue, Suite 300, Chicago, IL 60656-1486
 516436376 E-mail/Text: camanagement@mtb.com Nov 22 2016 00:08:03 M&T Bank,
 1 Fountain Plaza, Floor 4, Buffalo, NY 14203
 516467729 +E-mail/Text: ext_ebn_inbox@navyfederal.org Nov 22 2016 00:09:19 Navy Federal CU, POB 3000,
 Merrifield, NJ 22119-3000
 516510340 +E-mail/Text: ext_ebn_inbox@navyfederal.org Nov 22 2016 00:09:19 Navy Federal Credit Union,
 820 Follin Lane SE, Vienna, VA 22180-4907

TOTAL: 10

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 23, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 18, 2016 at the address(es) listed below:

Albert Russo docs@russotrustee.com
 Denise E. Carlon on behalf of Creditor LakeView Loan Servicing, LLC dcarlon@kmlawgroup.com,
 bkggroup@kmlawgroup.com
 Patrick Moscatello on behalf of Debtor Sefer Kir moscatellolaw3@comcast.net,
 moscatellolaw@comcast.net;moscatellolaw2@comcast.net

TOTAL: 3